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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/344,411 | 06/26/1999 | CAROL CORPUS | CORPP101US | 9031 |

7590

04/23/2002

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EXAMINER

CHEVALIER, ALICIA ANN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1772

DATE MAILED: 04/23/2002

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/344,411

Applicant(s)

CORPUS ET AL.

Examiner

Alicia Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 7-15 and 17-39 is/are pending in the application.
- 4a) Of the above claim(s) 19-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7-15, 17, 18, 38, and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RESPONSE TO AMENDMENT

REJECTIONS REPEATED

1. The 35 U.S.C. §102 rejection of claims 1, 2, 5, 6, 7, 9, 17, 18, 38, and 39 as anticipated by Griffin et al. (4,696,706) is repeated for reasons previously of record in paper #18, page 4, paragraph #12.
2. The 35 U.S.C. §103 rejection of claims 8, 10, 11, and 12 over Griffin et al. (4,696,706) in view of Cleef et al. (2,248,317) is repeated for reasons previously of record in paper #18, pages 4-5, paragraph #13.
3. The 35 U.S.C. §103 rejection of claims 13-15 over Griffin et al. (4,696,706) in view of Cleef et al. (2,248,317) and further in view of Bowskill et al. (4,795,669) is repeated for reasons previously of record in paper #18, pages 5-6, paragraph #14.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments filed in paper #19 regarding the 35 U.S.C. §102 rejection as anticipated by Griffin et al. (4,696,706) of record have been carefully considered but are deemed unpersuasive.

Applicant argues that it is apparent from the specification as well as the claim language that the stack of leaves including the base leaf, the first leaf as well as the intermediate leaf, are made of the same material. The limitations on which the Applicant relies (i.e. all the leafs comprise the same material) are not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v.*

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Advanced Micro-Devices Inc., 7 USPQ2d 1064. All the independent claims merely recite that the surface cover comprises a plurality of leaves, e.g. first leaf, base leaf. None of the claims comprise limitations directed to the material used for the leaves.

Applicant argues that the base leaf and the first leaf can serve as the outer surface of the surface cover. The Examiner is unsure what exactly Applicant is arguing. As each process logic symbol is removed the exposed non-adhesive surface of the subsequent process logic symbol becomes the outer surface. When the last process logic symbol is removed and the from the dispenser board the non-adhesive surface of the dispenser board becomes the outer surface.

5. Applicant's arguments filed in paper #19 regarding the 35 U.S.C. §103 rejections of record have been carefully considered but are deemed unpersuasive.

Applicant argues that the 35 U.S.C. §103 rejections of record should be withdrawn for the reasons set forth regarding the Griffin reference, since the claims they reject are depended from claims 1. The arguments regarding the Griffin reference have already been addressed above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

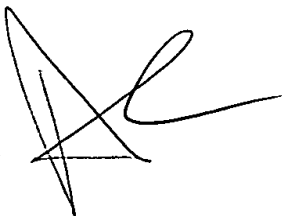
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Blaine Copenheaver can be reached by dialing (703) 308-1261. The fax phone number for the organization official non-final papers is (703) 872-9310. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac

4/6/02


DEBORAH JONES
SUPERVISORY PATENT EXAMINER